THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7582 OF 2005

DATED:24.8.2005

Between:

Koonisetty Krishna Murthy

S/o.Kotaiah

R/o.Pernamitta Village,

S.N.Padu Mandal, Prakasam District.

…Petitioner

And

The Deputy Registrar & Officer on Special Duty,

The Prakasam District Cooperative Central Bank Ltd.

Ongole, Prakasam District, and others

…Respondents

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ORDER:

The petitioner borrowed certain amount from second respondent society. As he admittedly committed default, proceedings were initiated for recovery of the amount. Second respondent obtained certificate of recovery under Section 71 of the A.P.Cooperative Societies Act, 1964 (for short, the Act). It appears, petitioner did not comply with the decree/certificate of recovery and therefore respondents initiated action under Rule 52 of A.P.Cooperative Societies Rules, 1964 (for short, the Rules) in E.P.No.638/2004-05 and issued form-9 notice informing that auction of the properties of the petitioner will be made on 7.4.2005. Assailing the same, present Writ Petition is filed.

When the matter came up for enquiry at the interlocutory stage, learned counsel for the

petitioner, Sri M.Sudheer Kumar, submits that his client is willing to pay the amount and therefore some time may be granted. Though as per the decisions of this Court in **N.Veeraiah v. Secretary, Primary Agricultural Cooperative Society Ltd** and **A.Vemanaidu v. Erracheruvupalle Primary Agricultural Cooperative Society, Chittoor District** writ petition as such is not maintainable, the matter was adjourned. Though sufficient time was granted, petitioner is not taking appreciable steps in the direction of discharging debt. Therefore, this Court is of considered opinion that Writ Petition is liable to be dismissed on the ground of maintainability. It is, however, open to the petitioner to approach the Sales Officer under Rule 52(12) of the Rules after duly making payment to the respondent bank whereupon the Sales Officer will pass appropriate orders.

The Writ Petition with the above observation is disposed of.

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(V.V.S.RAO, J)

24.8.2005

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